

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 3, 2009

The City Council convened in Regular Session on Tuesday, February 3, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, and Richard Veit. Absent: Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office. File #47023

A motion was made by BOB KNEEMILLER to excuse the absence of Councilmember Michael Weller. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

President of the Council Jerry Reese announced the recent death of former Councilmember Jim Williams; and requested that his family be kept in everyone's thoughts and prayers. The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS

The President of the Council Jerry Reese announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. CU-31-08. (OOS Investments). The applicant is requesting approval of a conditional use permit from Section 156.743 (Billboards) within the C-2 General Business District for the construction of a digital billboard at 1410 South Fifth Street. The subject property is 5.01 acres and is located in Ward Two. ***(Public Hearing should be tabled to the Regular Council Meeting scheduled for February 17, 2009 pending decision by Board of Adjustment on requested variance)***
- B. Case No. CU-30-08. (Big St. Charles Motorsports, LLC) An application for a conditional use permit for automotive sales, display and repair, specifically relative to motorcycles, ATV's, etc, from Section 156.034(C)(1)(a) at 3830 West Clay Street in the C-3 Highway Business District. The subject property is 4.96 acres and is located in Ward Six. ***(RCA Attached. Note: The application was denied by the Planning & Zoning Commission)***
- C. Case No. CU-35-08. (August Hurst). The applicant is requesting approval of a conditional use permit from Section 156.035(C)(1)(a) within the I-1 Light Industrial District for vehicle, boat and recreational vehicle (RV) sales and storage at 4125 Elm Point Road. The subject property is 6.45 acres and is located in Ward Six. ***(RCA Attached)***

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- D. Case No. Z-16-08. (Edward Rose Properties, Inc.). An application to rezone two tracts of land located at the northern corner of the intersection of Friedens Road, Arena Parkway and South River Road from the R-1E Single-Family Residential District and PD-MU Planned Development – Multi-Use to the R-3A Multiple Family Residential District. The fifteen (15) acre R-1E parcel is known as 1875 South River Road and the PD-MU zoned property, immediately adjacent to the west, is a five (5) acre portion of the Talbridge Planned Development. (Ward 3) ***(Public Hearing will be tabled until February 17, 2009 upon the request of the Applicant. Note: The application was denied by the Planning & Zoning Commission)***
- E. Case No. Z-17-08. (Edward Rose Properties, Inc.). An application to rezone two tracts of land located at the northern corner of the intersection of Friedens Road, Arena Parkway and South River Road from the R-3A Multiple Family Residential District to the PD-R Planned Development-Residential District. In conjunction with the rezoning, the Commission will consider a preliminary development plan for the property. The preliminary development plan proposes the construction of twelve (12) multi-family structures with a total of two-hundred fifty-two (252) units. Associated parking, clubhouse and outdoor recreation are also depicted in the plan. The subject parcels total approximately twenty (20) acres. (Ward 3) ***(Public Hearing will be tabled until February 17, 2009 upon the request of the Applicant)***
- F. Case No. CU-01-09. (Quiktrip Corp.). The applicant is requesting approval of a conditional use permit from Section 156.034(C)(1)(a) within the C-3 Highway Business District for a gas station and convenience store at 2260 First Capitol Drive. The subject property is 1.527 acres and is located in Ward Two. ***(Public Hearing to be Tabled until March 3, 2009; Pending Correct Notices being Sent)***
- G. Case No. CU-02-09. (Matt Faulkner). The applicant is requesting approval of a conditional use permit from Section 156.035(C)(1)(a) within the I-1 Light Industrial District for the installation and sales of automotive electronics at 1702 Scherer Parkway. The subject property is 0.48 acres and is located in Ward Three. ***(RCA Attached)***
- H. Case No. CU-03-09. (Scott Rhodes). The applicant is requesting approval of a conditional use permit from Section 156.035(C)(1)(a) within the I-1 Light Industrial District for automotive repair at 531 A Little Hills Industrial Boulevard. The subject property is 0.38 acres and is located in Ward One. ***(RCA Attached)***
- I. Case No. Z-01-09. (Cole & Assoc.). An application to rezone a tract of land from the R-1E Single-Family Residential District to the C-3 Highway Business District. The 0.35 acre parcel is known as 1141 St. Charles Avenue and is located in Ward Two. ***(Council Bill 9864)***
- J. Case No. Z-02-09. (Cole & Assoc.). An application to rezone a tract of land from the R-1E Single-Family Residential District to the C-3 Highway Business District. The 0.22 acre parcel is known as 1147 St. Charles Avenue and is located in Ward Two. ***(Council Bill 9865)***

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- K. Case No. Z-03-09. (Cole & Assoc.). An application to rezone a tract of land from the R-1E Single-Family Residential District to the C-3 Highway Business District. The 0.24 acre parcel is known as 1151 St. Charles Avenue and is located in Ward Two. **(Council Bill 9866)**
- L. Case No. Z-04-09. (Bax Engineering). An application to rezone a portion of a tract of land from the I-1 Light Industrial District to the C-2 General Business District. The 19.682 acre parcel is located at the terminus of Mercantile Industrial Drive, west of North Highway 94 and north of North Drive and is also known as Parcel ID 5-0124-0164-00-10. The property is located in Ward One. **(Council Bill 9867)**
- M. Case No. Z-05-09. (Christian Fellowship Center, Inc.) An application to rezone a parcel of land in the process of annexing into the City. A correction has been made to the previously approved legal description. The property is located at 420 Hemsath Road. The applicant is requesting to rezone the property from the County R-1E Single-Family Residential to the City R-1E Single Family Residential District. The property, located along the northeast side of Hemsath Road, contains approximately 4.02 acres. The subject property will be located in Ward Three upon annexation. **(Council Bill 9863)**

RESOLUTIONS/AWARDS/PROCLAMATIONS

A Resolution Declaring One (1) Parks and Recreation Department Vehicle to be Surplus Property and Authorizing Disposal by Trade-in With the Purchase of a Replacement Vehicle *(Sponsor: Laurie Feldman)*

Passed “Aye”: Veit, Beckering, Ermeling, Feldman, Kneemiller, Muench, Reese, and Stivison

“Nay”: None

Absent: Weller and Klinghammer

Approved by the Honorable Mayor on February 5, 2009 and is known as **Resolution R09-01**

Announcement of Parks & Recreation Department Passport Card

Maralee Britton, Director of Parks & Recreation Department, announced the availability of the Parks & Recreation Department Passport Card, which cards are good for two years from January 1, 2009, through December 31, 2010, and are free to residents of the City..

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9868 – Budget Amendment No. 1

Daniel Barklage, 2001 Sibley, Municipal Court Judge, spoke in favor of the proposed amendment to Council Bill 9868 to add one Court Clerk Position to the Municipal Court.

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Discussion was held relative to the Municipal Court, including the increase in court cases, the proposed addition of a Court Clerk Position, and the current hiring freeze. Councilmember Bob Kneemiller requested that the number of court cases and the dollar amount collected for the past four years be provided to the Council. Vice President of the Council Larry Muench requested that a breakdown of the use of the funds collected by the Municipal Court be forwarded to the Council.

BILLS FOR FINAL PASSAGE

Bill 9842 (Held)

An Ordinance Authorizing the Acceptance of the Provisional Streets in Chateau Country Club Subdivision as City Streets (*Sponsor: Laurie Feldman*)

Council Bill 9842 was held pending discussion at the Council Work Session scheduled for February 10, 2009.

Bill 9850

An Ordinance Repealing Ordinance No. 08-150 and Vacating a Portion of a Fifteen (15) Foot Wide Utility Easement Located on Lot 2A of Resubdivision of Lot 2 of The Bull Subdivision. (*Sponsor: Jerry Reese*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-21**

Bill 9851

An Ordinance Amending Chapter 75 of the Code of Ordinances of the City of St. Charles, Missouri by Deleting Section 75.05 in its Entirety and Enacting a new Section 75.05 Pertaining to Passenger Restraint Systems (*Sponsor: Jerry Reese*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-22**

Bill 9852

An Ordinance Authorizing a Contract with Midwest Mudjacking & Construction Company, Inc. for the Third & Tecumseh Roundabout Project in an Amount Not to Exceed \$1,285,854.50 (*Sponsor: Richard Veit*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

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Absent: Weller

Approved by the Honorable Mayor on February 3, 2009 and is known as **Ordinance 09-20**

Bill 9853

An Ordinance Finding and Declaring that the Acquisition of Certain Lands for the New Town Boulevard Reconstruction Project is Declared to be Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsor: Michael Klinghammer*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-23**

Bill 9854

An Ordinance Finding and Declaring that the Acquisition of Certain Lands for the Thomas Avenue Storm Sewer Project is Declared to be Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsor: Larry Muench*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-24**

Bill 9855

An Ordinance Approving the Dedication Plat for Fairgrounds Road and Relocated Old Friedens Road (*Sponsor: Laurie Feldman*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on February 13, 2009 and is known as **Ordinance 09-29**

Bill 9857

An Ordinance Authorizing an Agreement with the St. Charles Lions Club for the Sponsorship of the Operation of the Farmers Market During the Summer of 2009 (*Sponsor: Richard Veit*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-25**

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Bill 9858

An Ordinance Authorizing Amendment No. 2 to the Engineering Services Contract with HDR/Archer Engineering for the Ultraviolet Disinfection for the Missouri Wastewater Treatment Plant Upgrade in an Amount of \$134,777.00, for a Total Amount Not to Exceed \$967,241.00 (*Sponsor: Michael Klinghammer*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-26**

Bill 9859

An Ordinance Authorizing Amendment No. 2 to the Engineering Services Contract with Donahue and Associates for Developing Wasteload Allocations and Conducting an Antidegradation Review for the Mississippi Wastewater Treatment Plant Upgrade in an Amount of \$72,561.00, for a Total Amount Not to Exceed \$923,780.50 (*Sponsor: Michael Klinghammer*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-27**

Bill 9860

An Ordinance Amending Section 72.019 of the Code of Ordinances Pertaining to Flashing School Zone Lights – Time of Operation (*Sponsors: Larry Muench, Ron Stivison, Erv Ermeling, Michael Klinghammer, and Richard Veit*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on February 5, 2009 and is known as **Ordinance 09-28**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9861 (*Referred to the Street Committee Meeting of February 10, 2009*)

An Ordinance Authorizing Supplemental Agreement No. 5 to the Contract with Bax Engineering Company, Inc. for Additional Engineering Services Associated with the I-70 and 5th Street Corridor Improvement Project in an Amount of \$12,630.25, for a Total Contract Amount Not to Exceed \$350,897.15 (*Sponsor: Larry Muench*)

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Vice President of the Council Larry Muench requested that Council Bill 9861 be referred to the Street Committee Meeting scheduled for February 10, 2009; and that a larger, more legible map be provided to the Council.

Bill 9862

An Ordinance Repealing Ordinance 08-233 and Enacting a New Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Christian Fellowship Center, Inc. (420 Hemsath Road) (*Sponsor: Laurie Feldman*)

Bill 9863

An Ordinance Repealing Ordinance 08-258 and Enacting a New Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 420 Hemsath Road (*Sponsor: Laurie Feldman and Larry Muench*)

Bill 9864

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 1141 St. Charles Avenue (*Sponsor: Larry Muench*)

Bill 9865

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 1147 St. Charles Avenue (*Sponsor: Larry Muench*)

Bill 9866

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 1151 St. Charles Avenue (*Sponsor: Larry Muench*)

Bill 9867

An Ordinance Rezoning to Zoning District C-2 (General Business District) from Zoning District I-1 (Light Industrial District), a 19.682 Acre Parcel Located at the Terminus of Mercantile Industrial Drive, West of North Highway 94 and North of North Drive, Also Known As Parcel ID 5-0124-0164-00-10 (*Sponsors: Richard Veit and Larry Muench*)

Bill 9868 (Amended Prior to Introduction) (Referred to the Council Work Session of February 10, 2009)

An Ordinance Amending Ordinance Number 08-270 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2009 (*Budget Amendment No. 1*) (*Sponsors: Laurie Feldman and Larry Muench*)

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A motion was made by RICHARD VEIT to amend Council Bill 9868 to provide an appropriation in the 2009 Budget for one additional Municipal Court Clerk Position as follows:

1) increase the following expenditure accounts in the following amounts:

001-0701-10 Salary & Wages	\$32,053.00
001-0701-21 Insurance	17,820.00
001-0701-22 FICA	2,501.00
001-0701-23 LAGERS	3,526.00
001-0701-25 Deferred Compensation.....	641.00
001-0701-52 Other Insurance	3,000.00

TOTAL\$59,541.00

2) decrease the following fund balance account by the following amount:

001-292-02 Unreserved/Undesignated\$59,541.00

Or such necessary other amounts to appropriate for and fund one additional Municipal Court Clerk Position for the 2009 Fiscal Year. RON STIVISON seconded the motion. All voted in favor, motion passed.

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9868 to reduce the 2009 Budget for the Police Department by the amount expended for the security officer at City Hall; and reappropriate the amount back into the Police Department Personnel Account.

RICHARD VEIT seconded the motion. Following discussion relative to the motion, Councilmember MICHAEL KLINGHAMMER WITHDREW THE MOTION. Requests were made for the following information relative to the security at City Hall: 1) The amount of Police Department Overtime used and justification for using overtime; 2) Breakdown on the cost of regular time v. overtime; and 3) All costs associated with renovations made to City Hall to provide the current security, including modifications to elevators and stairwell doors. Upon suggestion of Councilmember Dave Beckering, Sponsors Laurie Feldman and Larry Muench referred further discussion relative to Council Bill 9868 to the Council Work Session scheduled for February 10, 2009. President of the Council Jerry Reese requested that Councilmembers forward additional questions relative to Council Bill 9868 to Director of Administration Michael Spurgeon as soon as possible to ensure responses are included in the Friday packet. Mayor Patricia M. York also stated that a Special Council Meeting will be scheduled for Tuesday, February 10, 2009, to accommodate any possible amendments to Council Bill 9868.

Bill 9869

An Ordinance Authorizing a Contract with America's Parking Marking, Inc. (A.P.R., Inc.) for the City Wide Street Striping Project for 2009 in an Amount Not to Exceed \$165,914.48 (*Sponsor: Larry Muench*)

Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Erv Ermeling that the street striping equipment purchased was to enable City Employees to perform smaller street striping jobs. Vice President of the Council Larry Muench requested that the information provided previously to the Street Committee Members relative to street striping being performed in-house be forwarded to all Councilmembers.

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Bill 9870

An Ordinance Amending Section 115.34(B)(7)(b) of the Code of Ordinances Pertaining to Liquor License by Deleting the Provision Applicable to a Liquor Store (*Sponsor: Jerry Reese*)

Bill 9871

An Ordinance Authorizing a Nonexclusive License and Subscription Agreement By and Between St. Charles County and the City of St. Charles for the Use of GIS Data for a Period Beginning January 1, 2009 and Terminating February 2010. (*Sponsor: Jerry E. Reese*)

Bill 9873

An Ordinance Approving the Record Plat for Boulders at Katy Trail Phase II Condominium Plat Building 3, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Laurie Feldman*)

CONSENT AGENDA

Councilmember David Beckering removed *Item 8.G.2 Approval of Water and Sewer Rate Structure* from the consent agenda. A motion was made by LARRY MUENCH to receive and approve the balance of the Consent Agenda. DAVID BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, and Ermeling. "Nay": None. Absent: Weller. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of January 20, 2009
2. Administrative Hearing of January 20, 2009

File #47024

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. Fire Station Design Team Committee meeting of December 23, 2008
 - b. Finance and Audit Committee Meeting of January 13, 2009
 - c. Council Work Session of January 13, 2009
 - d. Fire Station Design Team Committee Meeting of January 14, 2009
 - e. Street Committee Meeting of January 14, 2009
 - f. Fire Station Design Team Committee Meeting of January 15, 2009

File #47002

File #47025

File #47016

File #47017

File #47026

File #47017

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| File #47017 | g. | Fire Station Design Team Committee Meeting of January 16, 2009 |
| File #47017 | h. | Fire Station Design Team Committee Meeting of January 20, 2009 |
| File #47016 | i. | Council Work Session of January 20, 2009 |
2. Approval of Council Committee Motions/Actions/Recommendations
- | | | |
|--|------|---|
| | a. | Fire Station Design Team Committee meeting of December 23, 2008 <i>(None)</i> |
| | b. | Finance and Audit Committee Meeting of January 13, 2009 <i>(None)</i> |
| | c. | Council Work Session of January 13, 2009 <i>(None)</i> |
| | d. | Fire Station Design Team Committee Meeting of January 14, 2009 <i>(None)</i> |
| | e. | Street Committee Meeting of January 14, 2009 |
| | i. | Motion to Include the Repair of the Curb on the Southeast Corner of Clark & Kingshighway in Fiscal Year 2009; and to Bring Information on this Item Back to the Street Committee for Review |
| | ii. | Motion to Revise Subsection 72.019 Relative to Start and Stop Times of School Flashing Lights |
| | iii. | Motion for Staff to Prepare an Estimate on the Cost of Installation of a Sidewalk on Main Street/Ameristar Boulevard; and to Include in the Next CIP Submittal |
| | f. | Fire Station Design Team Committee Meeting of January 15, 2009 <i>(None)</i> |
| | g. | Fire Station Design Team Committee Meeting of January 16, 2009 <i>(None)</i> |
| | h. | Fire Station Design Team Committee Meeting of January 20, 2009 <i>(None)</i> |
| | i. | Council Work Session of January 20, 2009 <i>(None)</i> |
- C. Receipt of Reports from Boards, Commissions or Committees
- | | | |
|-------------|----|---|
| File #46960 | 1. | Bicentennial Committee Meeting of December 3, 2008 |
| File #47027 | 2. | Bicentennial Committee Meeting of January 5, 2009 |
| | 3. | Arts and Culture Commission Meeting of November 10, 2008 |
| | a. | Motion to Award an Additional Grant in the Amount of \$1500 to Patt Holt Singers |
| | b. | Motion to Approve an Additional \$3500 for National Endowment for the Arts "Big Read" |
| | c. | Approval of the Grant Application and Rules |

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- d. Motion to Approve the Final Funding in the Amount of \$1000 to Missouri River Irishfest
 - e. Motion to Roll Over any Funds Remaining in 2008 to the 2009 Budget

File #46751

- 4. Fair Housing Commission Meeting of October 16, 2008

File #46882

- 5. Youth Advisory Commission Meeting of December 11, 2008

File #46736

D. Receipt of Reports of the Director of Administration

- 1. Notice of Emergency Purchase

Director of Administration Michael Spurgeon thanked Vice President of the Council Larry Muench and Councilmember Bob Kneemiller for the information provided relative to a source from which to purchase additional salt.

File #47004

- 2. Strategic Planning Update

Director of Administration Michael Spurgeon provided an update on the Strategic Planning Process stating that a Town Hall Meeting is scheduled for Saturday, February 28, 2009, at the Convention Center; and that the final plan will be submitted to the Council during March 2009.

File #47028

- 3. Authorization to Negotiate a Contract with LePique & Orne Architects, Inc. for the Fire Station 4 Design

Director of Administration Michael Spurgeon thanked the Councilmembers and Staff serving on the Fire Station Design Team Committee for working diligently on the Project.

File #47029

E. Approval of Contracts and Easements from \$30,001 - \$99,999

- 1. Amendment #1 to the Starcrest Cleaners Contract in an Amount not to Exceed \$10,075.00

File #47030

- 2. Contract with CD-G for Cisco Catalyst 3750 Switches in an Amount not to Exceed \$41,382.00

File #47031

- 3. Renewal Contract with Starcrest Cleaners for Police Uniform Dry Cleaning in an Amount not to Exceed \$34,600.00

File #47032

F. Preliminary Plats
None

G. Miscellaneous

- 1. Approval of Arts and Culture Commission Expenditures

File #47033

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2. Approval of Water and Sewer Rate Structure
REMOVED FROM THE CONSENT AGENDA
3. Street Status Report
File #47034
4. Approval of Liquor License Application for Mark T. Baker, dba Fastlane
#46, Located at 3601 Harry S Truman Blvd.
File #47005

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 8.G.2. Approval of Water and Sewer Rate Structure
Councilmember Dave Beckering requested that this item be forwarded to a future meeting for discussion. Councilmember Michael Klinghammer explained the recommendation made by the Board of Public Works relative to a rate increase. Councilmember Bob Kneemiller requested that information be provided to the Council relative to whether the City subsidizes the water and sewer costs for County residents. Concern was voiced by several Councilmembers relative to placement of this agenda item on the Consent Agenda. A motion was made by DAVE BECKERING to refer *Item 8.G.2 Approval of Water and Sewer Rate Structure* to the Joint Meeting of the City Council and Board of Public Works scheduled for February 12, 2009. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

REPORT OF THE MAYOR

Report Relative to Budget Amendment No. 1 (Council Bill 9868)
The Honorable Mayor Patricia M. York explained the items included in Budget Amendment No. 1.

Written and/or Verbal Messages from the Mayor

Stimulus Package. The Honorable Mayor Patricia M. York announced that the City will be submitting several projects for consideration, including upgrades to the sewer plants, Boschertown Road, and I-70/Fifth Street Corridor. Mayor York requested input from the Council whether to submit the Trolley System Project. Several Councilmembers stated their opposition to the Trolley System Project.

Mardi Gras Parade. The Honorable Mayor Patricia M. York announced that the Mardi Gras Parade is scheduled for Saturday, February 14, 2009, in Frenchtown.

Great Train Expo. The Honorable Mayor Patricia M. York announced that the Great Train Expo is scheduled at the Convention Center on February 7-8, 2009.

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Working Women's Survival Show. The Honorable Mayor Patricia M. York announced that the Working Women's Survival Show is scheduled at the Convention Center on February 13-15, 2009.

Fabulous Baby and Kids Expo. The Honorable Mayor Patricia M. York announced that the Fabulous Baby and Kids Expo is scheduled at the Convention Center on March 7, 2009.

Lindenwood University Performing Arts Center. The Honorable Mayor Patricia M. York announced that the Lindenwood University Performing Arts Center will be presenting *Annie* on February 10, 2009, and *The Wizard of Oz* the weekend of February 27-29, 2009.

Big Read. The Honorable Mayor Patricia M. York announced that the Foundry Art Centre is sponsoring the Big Read Event during the month of February 2009.

Cirque du Soleil. The Honorable Mayor Patricia M. York announced that the Cirque du Soleil will be performing at the Family Arena February 4-8, 2009.

Care of Friends/Relatives. Mayor Patricia M. York encouraged residents to take care of friends and relatives during the cold weather.

Solid Waste & Recycling Committee Meeting. Director of Administration Michael Spurgeon announced that a Solid Waste & Recycling Committee Meeting is scheduled for Monday, February 9, 2009.

AT&T U-verse. Director of Administration Michael Spurgeon announced that AT&T U-verse will be broadcasting the City Channel beginning February 24, 2009.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Announcement of the Grants for the Promotion of the Public Health, Safety and General Welfare of City Residents

Councilmember Richard Veit, as Chairperson of the Grant Review Committee, announced that the Grants for Promotion of the Public Health, Safety and General Welfare of City Residents are now available; and that the deadline for submission of the Grant Application is March 31, 2009. Councilmember Veit further reviewed the Rules governing the approval of the Grants.
File #47035

Update on Elm Street Reconstruction Project

Councilmember Dave Beckering gave an update on the Elm Street Reconstruction Project. Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Dave Beckering that the City submits paid receipts to the County Road Board in order to receive reimbursement of the Road Board Funding. Councilmember Michael Klinghammer requested that the total amount paid to the contractor to date be provided to the Council. Councilmember

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Bob Kneemiller requested that information be provided on whether liquidated damages apply due to the delay in completion of the Project.
File #47007

Update and Status Report on the Emergency Creek Projects

A status report on the Emergency Creek Projects was submitted by the Public Works Department, as requested by Councilmember Bob Kneemiller.
File #47036

Discussion Relative to Removal of the Locks on the Recreational Pier

Director of Administration Michael Spurgeon provided a report on the recreational pier stating that the opening hours of the recreational pier are daily until 6:00 p.m., with the hours of operation extended to 9:00 p.m. during the summer months. Director of Administration Spurgeon explained that, due to safety and security issues, Administration does not recommend that the pier be open 24 hours/day. Councilmember Bob Kneemiller requested that, in the event the pier is closed due to safety, that a sign be posted to that effect. Councilmember Kneemiller also requested that the pier be open daily from 7:00 a.m. to dusk.

Relative to Status of the Community Center Project

Councilmember Dave Beckering requested that the following information be provided: 1) Who is managing the contract on behalf of the City; and 2) report from Staff relative to compliance with contract provisions. Councilmember Beckering also requested that the contract with Show-Me be amended to require a monthly report from Show-Me on fund raising efforts.

Mayor Patricia M. York announced that the entire Council will be invited to the next Community Center Oversight scheduled for Monday, February 23, 2009.

Discussion Relative to Payment of Dental Insurance Premiums

A motion was made by MICHAEL KLINGHAMMER to pay the monthly employee dental premium currently due in the amount of \$17,900 out of the Council Directives Account, with the understanding that the \$17,900 will be reimbursed to the Council Directives Account in May 2009. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

The Regular Council Meeting was adjourned at 9:46 p.m.

March 3, 2009
Date Approved
Mary K. McCoy
City Clerk

Jerry Reese
Jerry Reese, Presiding Officer

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 10, 2009

The City Council convened in Special Session on Tuesday, February 10, 2009, at 9:10 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: Dave Beckering. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #47037

BILLS FOR POSSIBLE AMENDMENT

Bill 9868 (Amended)

An Ordinance Amending Ordinance Number 08-270 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2009

(Budget Amendment No. 1) (Sponsors: Laurie Feldman and Larry Muench)

A motion was made by LAURIE FELDMAN to amend Council Bill 9868 by making the following changes in the Parks & Recreation Department Budget: 1) decrease the *Draw of Cash Balance* in the amount of \$30,000; and 2) increase *Account Number 217-4501-452-7309 Park Improvements* in the amount of \$30,000. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

A request was made that Police Chief Dennis Corley survey the following cities relative to security measures implemented:

- Kirkwood
- Hazelwood
- Florissant
- Clayton
- Chesterfield
- O'Fallon
- Wentzville
- St. Peters

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo. 610.021.1), and leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); with the following results: "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Ermeling, and Feldman. "Nay": None. Absent: Beckering. Motion passed.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 10, 2009

The Open Portion of the Special Council Meeting was adjourned at 9:20 p.m.

March 3, 2009
Date Approved

David A. McLes
City Clerk

Jerry Reese
Jerry Reese, Presiding Officer